IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Con.Case(C).No. 1167 of 2007(S)

NON-COMPLIANCE OF THE JUDGMENT IN W.P.(C) NO.13237/2006
DATED 28.9.2006 OF THIS COURT.

PETITIONER: ADDL.R3:

M.P.KUNHIKOYA, THE PRESIDENT,
ANDROTT TOWN PLAN ACTION COUNCIL, ANDROTT,
UNION TERRITORY OF LAKSHADWEEP.

BY ADV. SRI.S.M.PRASANTH

RESPONDENT:

B.V.SELVARAJ, AGE AND FATHER'S NAME
NOT KNOWN TO THE PETITIONER, ADMINISTRATOR,
UNION TERRITORY OF LAKSHADWEEP, KAVARATTI.

BY STANDING COUNSEL SRI.SHAFIK M.ABDULKHADER

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

Cont. Case (Civil) NO. 1167 OF 2007

Dated this the 9th August, 2007

JUDGMENT

H.L.DATTU, C. J.

The third respondent in W.P.(C) No.13237 of 2006 is the complainant in this Contempt Petition.

2. The complainant alleges that the respondent in the Contempt Petition has not complied with the orders and directions issued by this Court while disposing of the Writ Petition. Therefore, requests us to initiate appropriate proceedings against the respondent and punish him for the so called wilful and deliberate disobedience of the orders and directions issued by this Court.

3. Along with the Contempt Petition, except producing the orders passed by this Court, no other document is produced in support of the assertions and allegations made in the Contempt Petition.

4. This Court, while disposing of W.P.(C) No.13237 of 2006, had granted permission to the petitioners in the Writ Petition to make appropriate applications for regularisation of the plots which are in their possession. The Court had also directed that if such applications are filed, the respondent would consider the same in accordance with law and it is only thereafter, to initiate appropriate proceedings for eviction of the so called encroachers of the Government land.

5. The grievance that is made out by the complainant in this

Contempt Petition is that in spite of the orders passed by this Court, the contemnor had not taken any eviction proceedings against the encroachers of the Government land.

6. In our view, before approaching this Court by filing this Contempt Petition, the complainant should have brought to the notice of the contemnor the orders passed by this Court and should have requested the contemnor to take appropriate proceedings. Without doing so, the complainant has rushed to this Court. In our view, the Contempt Petition so filed by the complainant is wholly premature. Therefore, the Contempt Petition requires to be rejected and it is rejected. However, liberty is reserved to the complainant to approach this Court, if need arises in future.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/